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ABROAD AT HOME | Anthony Lewis

Trust the President

BOSTON
Ronald Reagan's greatest political accomplishment is implicit in the fact of his second inaugural. He has restored popular trust in the Presidency, reversing a deep skepticism about the office that had set in with the disappointments and abuses of the Johnson and Nixon years.

But we have paid a price for the achievement. With trust has come a renewal of the old instinctual drive for more power in the White House. It is disguised by the geniality of Mr. Reagan, but it is there: the push for an Imperial Presidency.

What I mean by that phrase is power that can be exercised without the traditional restraints of the American governmental system: without having to go to Congress for authority, without having to explain to the American public, without having to justify itself in law. In short, it is power without accountability.

President Reagan's Nicaraguan policy is an acute example. He decided to wage a terrorist war on Nicaragua. To carry it out, the C.I.A. organized and paid the contras in secret. Acting in secrecy is the neatest way to exercise power without accountability.

When the secret leaked and Congress became concerned, Mr. Reagan did all he could to keep Congress from playing its constitutional role. He asked Congress to approve funds for the contras without making clear the objective of the campaign, whether to pressure the Sandinistas to stop exporting revolution, as he sometimes said, or to overthrow their Government. There can be no accountability in obscurity.

The latest turn in the story was the President's decision to boycott the World Court proceedings on Nicaragua's suit against the United States. This time the forum was legal, but once again the purpose was to avoid accountability.

The State Department, in announcing that the U.S. would withdraw from all participation in the case, offered various legal arguments — arguments that had lost before the judges. But the real reason was evident. The Reagan Administration feared that the court proceeding would bring out the facts of its aid to terrorist activities and focus attention on its violation of treaties.

Of course international law is not a solid edifice, and the World Court has no ready way to enforce its decisions against recalcitrant states. But respect for the Court and international law gives a certain legitimacy to a country — or so American governments used to think.

Just four years ago the American hostages in Iran were at last released. International law was one of the levers used by the United States in the effort to bring that terrible episode to an end. We sued in the World Court, and deplored Iran's failure to participate and defiance of the Court's decision.

Even in the emergency circumstance of the Cuban missile crisis of 1962, President Kennedy made a point of complying with all the legal niceties of treaty obligations. He thought respect for law would increase American influence in the world community.

President Reagan and his legal advisers have made consistently clear how little regard they have for the law — in domestic affairs as in international.

al. When Federal appeals courts held unlawful the stripping of Social Security benefits from hundreds of thousands of disabled Americans, the Administration made the astounding claim that it was not bound to follow the decisions in those judicial circuits where they were the law.

Law has been the balance wheel of the American system, a prime reason for our living under one Constitution for nearly 200 years. Law has been able to play that role only because Presidents, most of them, have in the end respected courts. For after all, as Alexander Hamilton wrote in *The Federalist*, courts have "neither force nor will, but merely judgment."

When President Reagan decided to pull out of the World Court proceedings on Nicaragua's case because he had lost in the first phase, I thought of another President who lost a legal decision and minded greatly. That was Harry Truman.

In 1952, during the Korean War, President Truman seized the country's steel mills to prevent a damaging strike. The Supreme Court held, 6 to 3, that he had acted without necessary Congressional authority.

Mr. Truman was furious. He wrote in his memoirs that the Supreme Court had ignored the facts and ignored history. But the passage in the memoirs goes on to say: "Word of the Court's decision reached me in my office in the early afternoon of June 2, and before 3 o'clock I had issued an order to comply with the decision and return the plants to the steel industry." □